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MODERN ASPECTS OF CRIME PREVENTION

Abstract. We are passing through a period of time in which the big known social scourges – corruption, poverty, unemployment, drugs, and alcoholism – are completed by terrorism, organized crime, deterioration of urban environment, as well as subtle factors such as abuse, discrimination, absence of control, advocacy of violence through media. All of these factors are complemented, naturally, with particular ones for every country or region, thus amplifying social vulnerability and criminal costs. The groups which suffer the most due to high criminality rate remain always the same: the young, the elderly, women, single persons, people who live in the suburbs. Although immediate risks seem urgent, lasting improvement appear only when indirect factors are approached: poverty, illiteracy, unemployment, lack of perspective etc. Therefore, preventing crime becomes imperative for this period of time, in which the main objectives are social order, consolidation of mechanisms used to respect and apply the law, education and solidarity of the public.

Consequently, preventing crime as a social and antisocial phenomenon, which accompanies every form of organization of human existence has constituted to this day a challenge for theoreticians and practitioners of criminal sciences worldwide. Limiting to a certain extent the effects of this manifestation, characteristic of the human behavior and reducing them to a certain degree of endurance, has always represented a major preoccupation of the state, regardless of its nature. Naturally, prevention is part of the forms of reaction of society towards criminality and definitely constitutes the final, yet optimal, means of answer society must give to this species of human behavior.

Keywords: *crime, crime prevention, modern models of criminal prevention*

Introduction. Crime prevention as a social and antisocial phenomenon that accompanies every form of organization of human existence today is a challenge for theoreticians and practitioners of criminal sciences around the world. Limiting the consequences of this manifestation, and reducing them to a certain degree of endurance, has always been the main concern of the state, regardless of its nature.

Analysis of recent research and publications. «Prevention is not only the artwork of a specialist, but it requires the general effort. Beyond very limited recommendations, it implies the call for a change in mentalities... A society where communication is reconstructed, where constraints remain slim, where the person is constantly taken into consideration, will refuse violence. By refusing this defiance, a world not without violence, but a calmer world will be born.» (Answer to violence, tome 1, Presses Pocket, Paris 1977, page 222).

The purpose of our article is to study modern aspects of crime prevention.

Formulation of the main material.

1. Definition of the concept of crime prevention. Purpose and duties of prevention measures

Fight against criminality is happening in all states through specific measures, both prevention and constraint measures, with the enforcement of criminal sanctions. The problem of criminality persists in all states and the fight against it is

inspired by the criminal politics, implying solutions at a national level.

The concept of prevention is translated by taking steps which lead to impeding the committing of crimes. The concept of prevention and fight against crime encompasses 2 determinations:

1. *Post-crime prevention*
2. *Pre-crime prevention*

Post-crime prevention signifies the ensemble of measures for re-socialization of persons who have suffered a condemnation, applied as provided by the law, either by state bodies competent in enforcing criminal punishment (when the punishment is executed in custody), by penitentiary bodies, or by groups of people (when the punishment is executed through labor), with the aim of avoiding recidivism.

Pre-crime prevention means an uninterrupted social process which implies an ensemble of social measures, applied by state bodies as provided by the law, mainly by the bodies under The Ministry of Internal Affairs and The Ministry of Justice, who work closely with different associations and organizations, in order to prevent and eliminate potential risks of committing crimes, through the identification, neutralization and removal of socio-human, subjective and objective sources, which can determine or facilitate anti-social acts. These measures are destined to essentially contribute to the permanent education of all members of society, in the spirit of obeying criminal law and legal order.

The activity of fighting crime should be understood as an ensemble of judicial and criminal measures, taken by specialized state bodies, in accordance with the law, in order to achieve the goal of the criminal trial, which is the timely and complete determination of the acts which constitute crimes, in such a manner that any person who has committed a crime will be criminally sanctioned, according to their guilt, and that no innocent person will be sanctioned according to criminal law.

Preventing crime signifies pre-empting the primary performing of those human actions or inactions, which society considers harming for its values, for which reason these behaviors have been sanctioned by criminal law (V. Cluclei, 2009).

The main objective of prevention is constituted by the ensemble of factors which determine or facilitate the realization of the criminal act.

Crime prevention represents a multilateral system of measures, aimed at:

- a) Revealing and eliminating or reducing or neutralizing the causes of crime, of some separate types of crime, as well as the conditions which facilitate it
- b) Revealing the groups of persons who bear a high criminal risk and reducing it
- c) Revealing and eliminating situations from certain geographic areas
- d) Revealing the persons whose behavior indicates the real possibility of committing crimes, as well as the corrective influence on them.

2. *Classification of crime prevention and its role*

Fight against crime must be done in 2 ways, namely:

- a) A preventive way, for impeding the committing of crimes
- b) A repressive way, for punishing those who commit crimes.

In the fight against crime, an important role is also played by the activity of the police, who prevent crime through control and public order surveillance.

There are 2 forms of crime prevention:

The first form refers to the prevention of appearance or existence of social or individual causes, which can lead to committing crimes. For example: poverty, economic crisis, conflicts between people, individual crises.

The second form refers to direct prevention of crime. For example: in the situation of the existence of a group of recidivists who always commit crimes, police bodies who monitor this group can intervene against them and in this case, stop them from committing crimes.

In accordance to the volume and the territory of crime prevention and prophylaxis, one can differentiate the following measures:

- 1) *General*, which aim at the discovery, the elimination and neutralization

of causes and conditions which can generate the committing of the criminal act. These measures can be aimed at large groups of persons, for example: in the fight against drug traffic, human traffic, gun traffic, etc.

2) *Special*, which are aimed towards certain categories of crimes or groups of criminals. For example: drug users, prostitutes.

3) *Individual*. These are the measures which apply to specific persons, which are on the verge of committing a crime.

1. General prevention

Is a complex multi-phasic process, comprised of interdependent elements. Thus, positive development of society, improvement of economic, politic and social institutions, would actively contribute to the general prevention of crime. In the same time, the purpose of crime prevention is not directly aimed at the change of the economic situation, but it influences a series of negative manifestations, such as:

- Poverty,
- Unemployment, etc.

Nevertheless, fight against crime does not directly pursue the raise in the level of culture of the population, but, obviously, it influences the behavior, interests and motivation of human acts and, consequently, the choice between good and bad, between a legal and an illegal behavior.

This form of prevention, namely the general prevention of crime, encompasses the main domains of social life, such as: the economic, administrative, cultural domain etc. Due to the existence of specific aspects of these domains of activity, these can generate the causes for the committing of crimes.

This complexity of criminal situations has determined Enrico Ferri to claim that using only punishment is not sufficient in the fight against crime. As an argument, Enrico Ferri states that fight against social reasons which generate crime, growth of the role of education, improvement of administration, improvement of economic conditions, etc. are also necessary.

In perspective, general prevention must bear a long-term nature, must embody all spheres of human life. For example: in the economic sphere – the development of production and use of efficient technologies, the lowering of inflation, creating new workplaces, the raise of salary level at European scale, in the social sphere – the development of middle class, strengthening family connections, etc.

2. Special prevention

Special prevention is that form of prevention which aims at directly impeding the committing of a crime. In the case of special crime prevention, it is a matter of specific acts, crimes which are on the verge of being committed and which can be stopped and prevented from happening. In this context, police plays an important role in special prevention, through the special duties it has. The measures which prevent the committing of certain crimes, in the case of special prevention, may be the following:

- 1) Making the citizens aware of the places in which crimes can be committed
 - 2) Protecting goods with the help of alarm systems, etc.
- Special crime prevention has a much more specific character than general prevention. Thus, through special prevention, one may comprehend the prevention of committing new crimes. Special crime prevention, in the most direct way, is tightly connected to general prevention, except the measures of special prevention are much more specific and have limits concerning time, space, and persons. Moreover, general prevention takes action in the frame of the entire society, encompasses multiple spheres, such as: economic, social, politic, cultural, educational, etc.

3) Judicial factual measures can be a part of both general and special prevention. Special crime prevention measures are extremely diverse and can be classified under multiple criteria, such as: Judicial, Economic, Educational, etc.

3. Individual prevention

Targets the group of persons who have not committed crimes yet, but may commit them in the near future. This type of preventive activity is directed towards

a specific person and towards his social micro-environment. Therefore, individual prevention must be directly aimed, as is the case with special prevention, at the person and their negative particularities, at the micro-environment, which participates in the most active manner to the shaping of the personality, as well as at the causes and conditions, which can generate or facilitate the committing of the crime.

The purpose of individual prevention consists of tracking these persons, exerting a positive influence on them, as well as on the micro-environment they belong to, in order for them to refrain from committing crimes or in order to eliminate the causes and conditions which can generate it.

3. Modern models of crime prevention

1. The repressive model

For a very long time, the social reaction against crime has had a strict repressive character. The customs of private justice consider the offence towards a group must automatically ripple to the clan they belong to, with the responsibility of the retaliation belonging to the entire group. Under „divine revenge», the leader (afterwards, the judge) could impose the application of the law (F. Muşiu, 2014).

The repressive model targets the following:

- rigorous codification of crimes and punishments, the necessity to elaborate a body of clear and accessible written laws.
- justification of the punishment by its retributive, discouraging and therefore useful character when it comes to the conservation of public order.
- the necessity to apply moderate, yet secure and prompt punishment.
- the introduction of an accusatory system in the criminal procedure; the necessity for public trial and evidence.
- the abolishment of torture as an investigation procedure, as a means to obtain evidence.
- the necessity to prevent crime.

2. The preventive model

The founder of this model is Enrico Ferri, jurist and sociologist, who challenges the repressive system conceived by the classic school. The ideas supported by the positivist school are:

- the importance of criminal behavior for the court.
- revealing hereditary and environmental factors which have determined the behavioral evolution of the criminal.
- deletion of the classic image of the reasonable person, in control of his acts and always at liberty to choose between good and bad.
- the criminal is not always at liberty to choose, being defined only by natural law (discovered only by science).
- the individualization of punishment should be done taking into account the personality of the criminal and the specific conditions which have determined the occurrence of the criminal activity.

According to these opinions, the punishment constitutes a means of social defense bearing a curative character, aimed at curing the criminal.

Modern crime prevention methods one can encounter:

- concluding partnerships with representatives of civil society: government institution, NGOs, local public authorities.
- promoting public-private partnership in crime prevention activities.
- initiation and development of local prevention programs, projects concerning prevention and fight against crime and action plans.
- development of informative and preventive activities in communities bearing a risk of victimization.
- development of educational and preventive activities, anti-victim and anti-crime training activities, from which vulnerable groups, such as children, women, elderly, persons bearing a risk of marginalization.
- conceiving promotional and informative materials, such as flyers, posters,

brochures bearing a preventive character.

3. Social defense doctrine

This doctrine is trying to combine the two conceptions (the one belonging to the classic school and the one belonging to the positivist school), granting criminal law a new purpose, namely social defense achieved both through prevention and through repression.

Fundamental ideas of this doctrine claim that:

Social defense refers to the protection of society against crime.

Protection is achieved through criminal and extra-criminal measures with the aim of neutralizing the offender (by applying emotional and educational methods or by elimination or segregation).

Social defense supports the criminal politics which prioritizes the prevention of crime and the treatment of the offender (aiming at the re-socialization of the criminal).

Re-socialization is considered a result of the humanization process of new criminal law.

Humanization of criminal law and of the criminal trial is based upon the scientific knowledge of both the criminal phenomenon and the personality of the offender.

4. The curative model

This model of criminal politics is substantiated on the results of scientific research of criminology. To the scientific data provided by clinic criminology, ideas of the social defense doctrine have added and in particular, of the new social defense.

The curative model targets:

- the focus of criminal politics on the idea of the re-socialization of the criminal.
- the introduction of treatment methods which can contribute to the social rehabilitation of the individual.
- the introduction of individualization techniques meant to contribute to the growth of the efficiency of treatment, both in the moment of the judicial individualization of the sanction and in the period of time of its execution.
- the introduction of an ensemble of social, economic, cultural, etc. measures, with the purpose of facilitating the most adequate social rehabilitation of the criminal, after the completion of the treatment. In the U.S.A., the idea of treatment underwent a certain judicial consecration in the system of sentences with an undetermined duration, combined with the measure of parole «on faith».

Conclusions. These means of non-repressive sanctioning have targeted the execution of the sanction of semi-armed prison, with the purpose of facilitating re-socialization (the criminal is allowed to live in his family and social environment, keeps his workplace, but spends the weekends and his leave in the penitentiary).

Conflict of Interest and other Ethics Statements

The author declare no conflict of interest.

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Алін-Андрей Тудоріка

СУЧАСНІ АСПЕКТИ ПРОФІЛАКТИКИ ЗЛОЧИННОСТІ

Анотація. Автор наголошує, що ми проходимо через проміжок часу, коли великі відомі соціальні напасті – корупція, бідність, безробіття, наркотики та алкоголізм – доповнюються тероризмом, організованою злочинністю, погіршенням міського середовища, а також незначними факторами, такими як зловживання, дискримінація, відсутність контролю, пропаганда насильства через засоби масової інформації. Усі ці фактори, природно, доповнюються окремими факторами для кожної країни або регіону, тим самим посилюючи соціальну вразливість та кримінальні витрати. Групи, які страждають найбільше через високий рівень злочинності, залишаються незмінними: молодь, люди похилого віку, жінки, самотні особи, люди, які проживають у передмістях. Незважаючи на те, що негайні ризики здаються нагальними, стійке зростання виникає лише тоді, коли наближаються непрямі фактори: бідність, безграмотність, безробіття, відсутність перспективи тощо. Тому запобігання злочинності стає обов'язковим для цього періоду часу, в якому основними цілями є соціальний порядок та консолідація механізмів, що використовуються для поваги та застосування закону, освіти та солідарності громадськості.

Отже, запобігання злочинності як соціальному та асоціальному явищу, яке супроводжує будь-яку форму організації людського існування, на сьогоднішній день є викликом для теоретиків та практиків кримінальних наук у всьому світі. Обмеження певною мірою наслідків цього прояву, характерних для поведінки людини, і зведення їх до певної міри витривалості, завжди представляло головну стурбованість держави, незалежно від її природи. Природно, що профілактика є частиною форм реакції суспільства на злочинність і, безумовно, не є остаточним, але оптимальним засобом відповіді, яке суспільство має дати цьому виду людської поведінки.

Ключові слова: злочинність, профілактика злочинності, сучасні моделі кримінальної превенції

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CONCEPTS AND PRECONDITIONS OF EUROPEAN REGIONAL POLICY

Abstract. The author analyzes different approaches to the definition of «regionalism», «regional policy», «Europe of the regions» and «European regional policy». The preconditions for the development of European regional policy as a component of general European integration are analyzed. The author emphasizes the necessity and importance of a common approach of EU countries to determine their own regional policy. Because no association can ensure its own existence and stability if there are different living standards within that association. Opinions of foreign and domestic scholars and practitioners on the interpretation of regional policy are studied. It has been shown that building a system based on supporting the economic growth and development of weak Member States and regions by channeling assistance from the EU central budget through investment funds is the best way for European integration.

Keywords: European regional policy, regionalism, European Union, Marshall Plan, Europe of the regions, cohesion policy, European integration

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